

## R E M A R K S

In the Office Action, the Examiner rejected claims 9-32, 36, 38, 40 and 42-53 under 35 USC §102 and 35 USC §103. The claims have been amended to further clarify the subject matter regarded as the invention. Applicant reserves the right to reintroduce claims of the same or similar scope as those previously cancelled or amended. Claims 54-56 have been added. Claims 42-44 have been cancelled. Claims 9-32, 36, 38, 40, and 45-56 are now pending.

Applicant also notes that the Examiner has withdrawn the restriction requirement and indicated that claims 9-32, 36, 38, 40 and 42-53 remain pending. Accordingly, Applicant respectfully submits that the Office Action Summary indicating that claims 9-12, 36, 42, 45 and 48-50 are withdrawn is erroneous.

### REJECTION OF CLAIMS UNDER 35 USC §101

Applicant respectfully submits that the claims, as amended, recite patentable subject matter under 35 USC 101. As recited in the pending claims, the claimed invention enables data retrieved from multiple data stores storing data in different formats to be stored in a single data structure. As a result, a query directed to multiple data stores storing data in different formats may be processed. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 USC 101.

### REJECTION OF CLAIMS UNDER 35 USC §112

Applicant respectfully submits that the pending claims did not recite a “type of value,” but rather a “type value.” These are entirely different concepts. In order to clarify the claimed subject matter, Applicant has amended the phrase “type value” to “row type.” Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 USC 112, first paragraph.

In addition, Applicant has removed the phrase “creating a data structure” in the preamble of the claims. As a result, Applicant respectfully submits that the claims are not incomplete for omitting essential steps. Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 USC 112, second paragraph.

### REJECTION OF CLAIMS UNDER 35 USC §102

Claims 9-41 are rejected under 35 U.S.C. 102(e) as being anticipated by Draper et al, U.S. Patent No. 6,581,062 (‘Draper’ hereinafter). Applicant respectfully traverses this assertion.

The pending claims recite a type column for storing a row type (previously “type value”) associated with each row of the data structure OR storing a row type (previously “type value”) associated with each of the plurality of rows of the data structure in a type column. The row type indicates columns of the data structure associated with the corresponding row, thereby enabling the columns for each of the plurality of rows to vary based upon the row type for that row (e.g., which may be used to identify the columns for that row). It is important to note that the type column is separate from the columns identified by each row type stored in the type column. Thus, the claims relate to the structure or makeup of the data

structure by identifying the columns of the data structure that correspond to a particular row of the data structure. In other words, each row of the same data structure may have a different set of associated columns. This is accomplished by associating a row type with each of the rows of the data structure, where the row type identifies the columns for the corresponding row. Applicant respectfully submits that Draper neither discloses nor suggests varying the columns of a data structure (e.g., table) among rows of the data structure.

Draper relates to storing semi-structured data in a structured manner. See title. Specifically, relational tables are used for the structured organization. See Abstract. A relational table is generally understood to include a set of columns and rows. Each row in the relational table has the same columns as the other rows in the relational table. For example, the Examiner cites FIG. 3 of Draper, as well as column 4, lines 29-43 of Draper. As the Examiner points out, FIG. 3 illustrates a structured organization that includes four relational tables. As shown in FIG. 3, for each separate table, each row has the same columns and number of columns as other rows in the same table. For instance, the Examiner recognizes that table 62 includes one column each for storing identifiers of entities A, B, C, D, E, and G, and data for entities C and D. Similarly, table 64 includes one column each for storing identifiers for entities E and F, and data for entities F. Thus, the columns shown in Draper do not vary among rows of the same table and therefore a single data structure. While the four tables in combination form a “structured organization,” the four tables are four distinct data structures. The columns of one of those data structures do not vary with the row of the data structure.

It is also important to note that Draper neither discloses nor suggests a row type, as claimed. Specifically, Draper neither discloses nor suggests a type column for storing row types, or storing a row type associated with each of the plurality of rows of a data structure in a type column, where the row type identifies columns of the data structure associated with the

corresponding row, thereby enabling the columns for each of the plurality of rows to vary based upon the row type for that row. In fact, in the example shown in FIG. 3, Draper shows four separate tables, rather than defining a different set of columns for each row of the same table. Accordingly, Applicant respectfully submits that Draper fails to anticipate any of the pending claims.

### REJECTION OF CLAIMS UNDER 35 USC §103

It is important to note that MPEP section 706.02(l) sets forth the conditions for patentability and non-obvious subject matter for rejections under 35 USC 103(a) using prior art under 35 U.S.C. 102(e). This section states that “[s]ubject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the claimed invention was made, owned by the same person or subject to an obligation of assignment to the same person.” The reference, Draper, was owned by the same entity as the subject application at the time the claimed invention was made. As such, Applicant respectfully submits that the cited reference Draper shall not preclude patentability of the pending claims under 35 USC 103(a).

Moreover, the Examiner admits that Draper does not explicitly teach “thereby enabling the columns for each of the plurality of rows to vary based on the type of value for that row.” It is important to note that the claim language did not recite “type of value,” but “type value.” The type value indicates a row type, not a type of value. The phrase “type value” has been clarified to recite a “row type.”

While the Examiner asserts that Crus discloses a table project having records in which some of the records have a null foreign key project, citing FIG. 5, Crus fails to cure the deficiencies of Draper. More specifically, Applicant was unable to identify columns that vary based upon a row type. In other words, the term “null” does not appear to indicate a row type, nor does the term “null” appear to indicate the identity and/or number of columns associated with that row. As a result, Applicant respectfully submits that Crus fails to disclose or suggest “thereby enabling the columns for each of the plurality of rows to vary based on the type value for that row.” Accordingly, Applicant respectfully requests that the Examiner withdraw the rejection of the claims under 35 USC 103(a).

### SUMMARY

Applicant respectfully submits that the pending claims are patentable over the cited art. If there are any issues remaining which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

Applicants hereby petition for an extension of time which may be required to maintain the pendency of this case, and any required fee for such extension or any further fee required in connection with the filing of this Amendment is to be charged to Deposit Account No. 50-0388 (Order No. ACTUP006).

Respectfully submitted,  
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